

**This Report has been cleared
for submission to the Board by
the Programme Manager F Clinton**
Signed: [Signature] Date: 10/2/10

**OFFICE OF CLIMATE,
LICENSING &
RESOURCE USE**



**REPORT OF THE TECHNICAL COMMITTEE ON
OBJECTIONS TO LICENCE CONDITIONS**

TO:	Directors
FROM:	Technical Committee ENVIRONMENTAL LICENSING PROGRAMME
DATE:	10 th February 2010
RE:	Objection to Proposed Decision for a waste licence review from Offaly County Council, for Derryclure Landfill, Derryclure, Tullamore, County Offaly. Licence Register: W0029-03

Application Details	
Class(s) of activity:	4 th Schedule: Classes 2, 3, 4 & 13 3 rd Schedule: Classes 1, 4, 5, 7, 11 & 13
Location of activity:	Derryclure, Tullamore, County Offaly
PD issued:	19 October 2009
First party objection received:	16 November 2009
Third Party Objection received	None
Submissions on Objections received:	None

Introduction

Derryclure Landfill is located approximately 5 km south of Tullamore town adjacent to the N80 National Secondary Road. The facility is located on cutover peatland and is bounded to the north, east and south by raised bog (used by Bord na Móna), with rough pasture to the west. The nearest private dwelling is located about 500m from the north-west boundary of the facility.

On 18 June 2009, the Environmental Protection Agency initiated a review of the waste licence relating to the landfilling activities at Derryclure Landfill, Derryclure, Tullamore, County Offaly (Waste Licence Register Number W0029-03). The review was initiated by writing to the licensee and placing a newspaper notice in the Irish Independent.

Consideration of the Objection

The Technical Committee (TC), comprising of Yvonne Furlong (Chair) and Ann Marie Donlon, has considered all of the issues raised in the Objection, and this report details the Committee's comments and recommendations following the examination of the objections together with discussions with the sectoral technical expert, Mr. Brian Meaney, who also provided comments on the points raised.

This report considers a valid first party objection submitted by Offaly County Council.

First Party Objection

A.1. Condition 3.2.1 & Schedule B

Offaly County Council objects on the grounds that the definition of ‘Specified Engineering Works’ contained in Schedule B and the requirements of Condition 3.2.1 are onerous and do not allow the flexibility required to modify works at construction stage as and when on site problems arise. Offaly County Council believes that this condition may delay works to an unnecessary degree and result in unnecessary costs.

Offaly County Council request that this condition is amended to allow an appropriate degree of flexibility that will allow variation in construction details to reflect on site construction difficulties.

Technical Committee’s Evaluation:

The Technical Committee (TC) notes that the wording on Condition 3.2.1 and Schedule B has not changed from that of the existing licence. The TC also notes that the scope of this review is limited and was not concerned with Specified Engineering Works.

This is a standard licence condition and the TC members are of the opinion that this is outside the scope of this review and therefore the TC does not recommend any change to the licence in this regard.

Recommendation: No Change

A.2. Condition 3.13.3

Offaly County Council argue that there should not be a requirement to provide on-site methane stripping as they intend to transport leachate directly to Tullamore waste water treatment plant.

In the event of the County Council discharging leachate to the towns’ sewage network, they would propose to provide an appropriate level of methane stripping (which would be agreed through a formal specified engineering works submission).

Offaly County Council request that this condition is amended so that methane stripping is not a requirement if the leachate is delivered directly to the waste water treatment plant.

Technical Committee’s Evaluation:

The TC notes that methane removal is a requirement under the existing licence. The TC also notes that the scope of this review is limited and therefore the TC members do not consider it appropriate to amend this condition in this regard.

The TC notes that the numbering in the PD is incorrect. There are two conditions 3.13.3 and therefore the TC recommends renumbering this condition appropriately.

Recommendation: Renumber current conditions 3.13.3 and 3.13.4 below
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3.13.3 The licensee shall provide appropriate infrastructure to allow for the removal of dissolved methane from the leachate prior to its removal off-site.

With the following condition numbering:

3.13.4 The licensee shall provide appropriate infrastructure to allow for the removal of dissolved methane from the leachate prior to its removal off-site.



Renumber the existing condition 3.13.4 as 3.13.5.

A.3. Condition 4.2

Offaly County Council requests that this condition be amended to read:

'The final height of the facility, following allowable settlement of the final capping, shall be 94m OD Malin'.

Technical Committee's Evaluation:

The TC notes that this is a requirement under the existing licence. The licensee did not provide any information to support this requested change and therefore the TC do not consider it appropriate to amend this condition.

Recommendation: No Change.

A.4. Conditions 5.2.3 & 5.2.7

Offaly County Council objects to these conditions as the requirements do not, in their opinion, take into account the achievements by Local Authorities in the reduction of our national dependence on landfill by developing an integrated waste system based on the European Waste Hierarchy.

The objection states that all five Local Authorities in the Midland Region have adopted and implemented waste management Bye-Laws to facilitate the rolling out of a three bin collection system for populations of greater than 1500 as required by reference to Circular WPPR 17/08 entitled 'National Strategy On Biodegradable Waste'-Implementation Of Segregated 'Brown Bin' Collection For Bio Waste And Home Composting, dated 31st July, 2008.

The objection outlines that it appears that even if Local Authorities achieve a 100% roll out of a three bin collection system across the entire population of the Region, that they will not achieve the targets set out in 5.2.3.(i) without the intervention of further mechanical and biological treatment. This is contrary to the current Midlands Waste Management Plan. Offaly County Council also believe there may be a danger that the emphasis on source separation which Local Authorities have promoted through the introduction of Bye-Laws may be diluted if mechanical treatment is required irrespective of the 3 bin system. Offaly County Council outlines a further issue that many rural counties will not have 100% coverage with a 3 bin system. Offaly County Council believes this issue makes achieving the 40% target even more unrealistic.

Offaly County Council, therefore, request that the Agency reconsider the approved calculation factors for the BMW content of municipal waste streams or amend Condition 5.2.3.

Technical Committee's Evaluation:

The EPA technical guidance document 'Municipal Solid Waste – Pre-treatment and Residuals Management 2009' which was based on 2007 statistics, stated that the maximum allowable BMW content in MSW accepted at landfill should be 40% (by weight) from 1 July 2010, 24% (by weight) from 1 July 2013; and 15% (by weight) from 1 July 2016 and subsequent years.

This guidance also stated that as further statistical data became available the EPA would update this direction to the sector, as necessary.

The TC clarifies that the limits specified in Condition 5.2.3 are based on data on municipal solid waste generated at a national level to ensure compliance with the landfill diversion targets. The 2008 National Waste Report reported a 5% decrease in municipal solid waste generated in 2008 compared to 2007. It is also stated that 'if the data from landfill operators and the waste industry for the NWR 2009 supports this fall the EPA will, if deemed necessary, revisit the diversion obligations specified for landfill operators'. Therefore the percentage limits would increase under these circumstances. Consequently the wording of Condition 5.2.3 provides for the Agency to specify new limits as necessary following review of statistical data.

The licensee requested that the approved calculation factors for BMW be reconsidered as they believe they do not take account of the three bin system. The TC wish to clarify that the calculation factors are set out in draft 'Protocol for the evaluation of biodegradable municipal waste sent to landfill by pre-treatment facilities' and that the calculation factors do in fact take account of the three bin system. The TC advises that this document is currently open for public consultation and any interested parties are invited to make a submission on the content and operation of the protocol up to 1 April 2010.

Recommendation: No change

A.5. Condition 5.2.12(iv)

Offaly County Council argue that it is not feasible to store on-site samples of waste for a period of up to two months and therefore request the condition to be amended or omitted.

Technical Committee's Evaluation:

Section 2.2.1 of 'Council Decision of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC (2003/33/EC)' states that 'municipal waste as defined in Article 2(b) of the Landfill Directive that is classified as non-hazardous in Chapter 20 of the European waste list, separately collected non-hazardous fraction of household wastes and the same non-hazardous materials from other origins can be admitted without testing at landfills for non-hazardous waste'. The only municipal waste that may require sampling and analysis is biostabilised waste – in accordance with condition 5.2 and Schedule D8.

Consequently this requirement relates predominantly to the taking of samples from sewage sludge, non-hazardous industrial solids (waste accepted) and biostabilised waste. Given that condition 5.2.6 allows the licensee to propose an alternative approach to the sampling of biostabilised waste, this implies that the number and amount of waste samples to be stored on-site will not be significant.

Recommendation: No Change

A.6. Condition 12.1.1

Offaly County Council objects to the annual contribution of €20,148.00, as they believe it does not reflect the current economic constraints within which Local Authorities now operate. They feel the annual contribution does not in particular reflect the universal decline in landfill income across both the public and private sectors.

Offaly County Council requests a minimum of a 20% reduction in the annual fee until such time as the economy recovers.

Technical Committee's Evaluation:

This is the fee the landfill was invoiced in 2009. The TC notes that as per Condition 12.1.1 of the licence the contribution is reviewed by the Agency from time to time having regard to variations in the extent of reporting, auditing, inspection, sampling and analysis or other functions carried out by the Agency.

Recommendation: No Change

A.7. Schedule A

Offaly County Council request that Table A.1 be amended as follows:

Household	21,000 tpa
Commercial	10,000 tpa
Industrial non-hazardous solids	6,500 tpa
Treated sewerage sludge	1,000 tpa
Construction & demolition waste	1,500 tpa
Total	40,000 tpa

Technical Committee's Evaluation:

The TC notes that this request is outside the scope of this licence review. The TC also highlights that Table A.1 of the PD as drafted states 'the tonnages of household waste, commercial waste, industrial non-hazardous solids, treated sewage sludge and construction and demolition waste accepted for disposal may be altered with the prior agreement of the Agency, provided that the total amount of waste accepted at the facility for disposal does not exceed 40,000 tonnes per annum (as specified in the total above)'. The Office of Environmental Enforcement can agree to changes at any time.

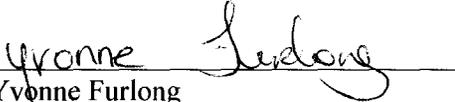
Recommendation: No Change

Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the applicant

- (i) for the reasons outlined in the Proposed Decision and
- (ii) subject to the conditions and reasons for same in the Proposed Decision,
and
- (iii) subject to the amendments proposed in this report.

Signed


Yvonne Furlong

for and on behalf of the Technical Committee